

owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

(iii) As soon as the monitoring data required by § 63.343(c) show that the source is not in compliance with the relevant emission limit, the frequency of reporting shall revert to semiannual, and the owner shall state this exceedance in the ongoing compliance status report for the next reporting period. After demonstrating ongoing compliance with the relevant emission limit for another full year, the owner or operator may again request approval from the Administrator to reduce the reporting frequency as allowed by paragraph (h)(3) of this section.

(i) *Reports associated with trivalent chromium baths.* The requirements of this paragraph do not alleviate affected sources from complying with the requirements of State or Federal operating permit programs under title V. Owners or operators complying with the provisions of § 63.342(e) are not subject to paragraphs (a) through (h) of this section, but must instead submit the following reports:

(1) Within 180 days after January 25, 1995, submit an initial notification that includes:

(i) The same information as is required by paragraphs (c)(1) (i) through (v) of this section; and

(ii) A statement that a trivalent chromium process that incorporates a wetting agent will be used to comply with § 63.342(e); and

(iii) The list of bath components that comprise the trivalent chromium bath, with the wetting agent clearly identified; and

(2) Within 30 days of the compliance date specified in § 63.343(a), a notification of compliance status that contains an update of the information submitted in accordance with paragraph (i)(1) of this section or a statement that the information is still accurate; and

(3) Within 30 days of a change to the trivalent chromium electroplating process, a report that includes:

(i) A description of the manner in which the process has been changed

and the emission limitation, if any, now applicable to the affected source;

(ii) If a different emission limitation applies, the applicable information required by paragraph (c)(1) of this section; and

(iii) The notification and reporting requirements of paragraphs (d), (e), (f), (g), and (h) of this section, which shall be submitted in accordance with the schedules identified in those paragraphs.

[60 FR 4963, Jan. 25, 1995, as amended at 61 FR 27787, June 3, 1996; 62 FR 4465, Jan. 30, 1997, 62 FR 42921, Aug. 11, 1997]

§ 63.348 Implementation and enforcement.

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to a State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or Tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to the requirements in §§ 63.340, 63.342(a) through (e) and (g), and 63.343(a).

(2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart.

(3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart.

(4) Approval of major alternatives to recordkeeping and reporting under

Pt. 63, Subpt. N, Table 1

40 CFR Ch. I (7–1–04 Edition)

§ 63.10(f), as defined in § 63.90, and as required in this subpart.

[68 FR 37347, June 23, 2003]

TABLE 1 TO SUBPART N OF PART 63—GENERAL PROVISIONS APPLICABILITY TO SUBPART N

| General provisions reference | Applies to subpart N | Comment |
|------------------------------|----------------------|---|
| 63.1(a)(1) | Yes | Additional terms defined in § 63.341; when overlap between subparts A and N occurs, subpart N takes precedence. |
| 63.1(a)(2) | Yes | |
| 63.1(a)(3) | Yes | |
| 63.1(a)(4) | Yes | |
| 63.1(a)(6) | Yes | Subpart N clarifies the applicability of each paragraph in subpart A to sources subject to subpart N. |
| 63.1(a)(7) | Yes | |
| 63.1(a)(8) | Yes | |
| 63.1(a)(10) | Yes | |
| 63.1(a)(11) | Yes | § 63.347(a) of subpart N also allows report submissions via fax and on electronic media. |
| 63.1(a)(12)–(14) | Yes | |
| 63.1(b)(1) | No | § 63.340 of subpart N specifies applicability. |
| 63.1(b)(2) | Yes | |
| 63.1(b)(3) | No | This provision in subpart A is being deleted. Also, all affected area and major sources are subject to subpart N; there are no exemptions. |
| 63.1(c)(1) | Yes | |
| 63.1(c)(2) | Yes | Subpart N clarifies the applicability of each paragraph in subpart A to sources subject to subpart N. |
| 63.1(c)(4) | Yes | |
| 63.1(c)(5) | No | Subpart N specifies permit requirements for area sources. |
| 63.1(e) | Yes | |
| 63.2 | Yes | Subpart N clarifies that an area source that becomes a major source is subject to the requirements for major sources. |
| 63.3 | Yes | |
| 63.4 | Yes | Additional terms defined in § 63.341; when overlap between subparts A and N occurs, subpart N takes precedence. |
| 63.5(a) | Yes | |
| 63.5(b)(1) | Yes | Other units used in subpart N are defined in that subpart. |
| 63.5(b)(3) | Yes | |
| 63.5(b)(4) | No | Except replace the term “source” and “stationary source” in § 63.5(a) (1) and (2) of subpart A with “affected sources.” |
| 63.5(b)(5) | Yes | |
| 63.5(b)(6) | Yes | Applies only to major affected sources. |
| 63.5(d)(1)(i) | No | |
| 63.5(d)(1)(ii) | Yes | Subpart N (§ 63.345) specifies requirements for the notification of construction or reconstruction for affected sources that are not major. |
| 63.5(d)(1)(iii) | Yes | |
| 63.5(d)(2) | Yes | § 63.345(c)(5) of subpart N specifies when the application or notification shall be submitted. |
| 63.5(d)(3)–(4) | Yes | |
| 63.5(e) | Yes | Applies to major affected sources that are new or reconstructed. |
| 63.5(f)(1) | Yes | |
| 63.5(f)(2) | No | Except information should be submitted with the Notification of Compliance Status required by § 63.347(e) of subpart N. |
| 63.6(a) | Yes | |
| 63.6(b)(1)–(2) | Yes | Applies to major affected sources that are new or reconstructed except: (1) replace “source” in § 63.5(d)(2) of subpart A with “affected source”; and (2) actual control efficiencies are submitted with the Notification of Compliance Status required by § 63.347(e). |
| 63.6(b)(3)–(4) | Yes | |
| 63.6(b)(5) | Yes | Applies to major affected sources that are new or reconstructed. |
| 63.6(b)(7) | No | |
| | | Applies to major affected sources that are new or reconstructed. |
| | | |
| | | Except replace “source” in § 63.5(f)(1) of subpart A with “affected source.” |
| | | |
| | | New or reconstructed affected sources shall submit the request for approval of construction or reconstruction under § 63.5(f) of subpart A by the deadline specified in § 63.345(c)(5) of subpart N. |
| | | |
| | | Except replace “source” in § 63.6(b)(1)–(2) of part A with “affected source.” |
| | | |
| | | Except replace “source” in § 63.6(b)(5) of subpart A with “affected source.” |
| | | |
| | | Provisions for new area sources that become major sources are contained in § 63.343(a)(4) of subpart N. |
| | | |

Environmental Protection Agency

Pt. 63, Subpt. N, Table 1

| General provisions reference | Applies to subpart N | Comment |
|------------------------------|----------------------|---|
| 63.6(c)(1)–(2) | Yes | Except replace “source” in §63.6(c)(1)–(2) of subpart A with “affected source.” |
| 63.6(c)(5) | No | Compliance provisions for existing area sources that become major sources are contained in §63.343(a)(3) of subpart N. |
| 63.6(e) | No | §63.342(f) of subpart N contains work practice standards (operation and maintenance requirements) that override these provisions. |
| 63.6(f)(1) | No | §63.342(b) of subpart N specifies when the standards apply. |
| 63.6(f)(2)(i)–(ii) | Yes | |
| 63.6(f)(2)(iii) | No | §63.344(b) of subpart N specifies instances in which previous performance test results for existing sources are acceptable. |
| 63.6(f)(2)(iv) | Yes | |
| 63.6(f)(2)(v) | Yes | |
| 63.6(f)(3) | Yes | |
| 63.6(g) | Yes | |
| 63.6(h) | No | Subpart N does not contain any opacity or visible emission standards. |
| 63.6(i)(1) | Yes | |
| 63.6(i)(2) | Yes | Except replace “source” in §63.6(i)(2)(i) and (ii) of subpart A with “affected source.” |
| 63.6(i)(3) | Yes | |
| 63.6(i)(4)(i) | No | §63.343(a)(6) of subpart N specifies the procedures for obtaining an extension of compliance and the date by which such requests must be submitted. |
| 63.6(i)(4)(ii) | Yes | |
| 63.6(i)(5) | Yes | |
| 63.6(i)(6)(i) | Yes | This paragraph only references “paragraph (i)(4) of this section” for compliance extension provisions. But, §63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension. |
| 63.6(i)(6)(ii) | Yes | |
| 63.6(i)(7) | Yes | |
| 63.6(i)(8) | Yes | This paragraph only references “paragraphs (i)(4) through (i)(6) of this section” for compliance extension provisions. But, §63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension. |
| 63.6(i)(9) | Yes | This paragraph only references “paragraphs (i)(4) through (i)(6) of this section” and “paragraphs (i)(4) and (i)(5) of this section” for compliance extension provisions. But, §63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension. |
| 63.6(i)(10)(i)–(iv) | Yes | |
| 63.6(i)(10)(v)(A) | Yes | This paragraph only references “paragraph (i)(4)” for compliance extension provisions. But, §63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension. |
| 63.6(i)(10)(v)(B) | Yes | |
| 63.6(i)(11) | Yes | |
| 63.6(i)(12)(i) | Yes | This paragraph only references “paragraph (i)(4)(i) or (i)(5) of this section” for compliance extension provisions. But, §63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension. |
| 63.6(i)(12)(ii)–(iii) | Yes | |
| 63.6(i)(13) | Yes | |
| 63.6(i)(14) | Yes | |
| 63.6(i)(16) | Yes | |
| 63.6(j) | Yes | |
| 63.7(a)(1) | Yes | |
| 63.7(a)(2)(i)–(vi) | Yes | |
| 63.7(a)(2)(ix) | Yes | |
| 63.7(a)(3) | Yes | |
| 63.7(b)(1) | No | §63.347(d) of subpart N requires notification prior to the performance test. §63.344(a) of subpart N requires submission of a site-specific test plan upon request. |
| 63.7(b)(2) | Yes | |
| 63.7(c) | No | §63.344(a) of subpart N specifies what the test plan should contain, but does not require test plan approval or performance audit samples. |
| 63.7(d) | Yes | Except replace “source” in the first sentence of §63.7(d) of subpart A with “affected source.” |
| 63.7(e) | Yes | Subpart N also contains test methods specific to affected sources covered by that subpart. |
| 63.7(f) | Yes | §63.344(c)(2) of subpart N identifies CARB Method 425 as acceptable under certain conditions. |
| 63.7(g)(1) | No | Subpart N identifies the items to be reported in the compliance test [§63.344(a)] and the timeframe for submitting the results [§63.347(f)]. |

Pt. 63, Subpt. N, Table 1

40 CFR Ch. I (7–1–04 Edition)

| General provisions reference | Applies to subpart N | Comment |
|------------------------------|----------------------|---|
| 63.7(g)(3) | Yes | This paragraph only references “§ 63.6(i)” for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension. |
| 63.7(h)(1)–(2) | Yes | |
| 63.7(h)(3)(i) | Yes | |
| 63.7(h)(3)(ii)–(iii) | Yes | Work practice standards are contained in § 63.342(f) of subpart N. |
| 63.7(h)(4)–(5) | Yes | |
| 63.8(a)(1) | Yes | |
| 63.8(a)(2) | No | |
| 63.8(a)(4) | No | |
| 63.8(b)(1) | Yes | § 63.344(d) of subpart N specifies the monitoring location when there are multiple sources. |
| 63.8(b)(2) | No | |
| 63.8(b)(3) | No | § 63.347(g)(4) of subpart N identifies reporting requirements when multiple monitors are used. |
| 63.8(c)(1)(i) | No | Subpart N requires proper maintenance of monitoring devices expected to be used by sources subject to subpart N. |
| 63.8(c)(1)(ii) | No | § 63.342(f)(3)(iv) of subpart N specifies reporting when the O&M plan is not followed. |
| 63.8(c)(1)(iii) | No | § 63.343(f)(2) identifies the criteria for whether O&M procedures are acceptable. |
| 63.8(c)(2)–(3) | No | § 63.344(d)(2) requires appropriate use of monitoring devices. |
| 63.8(c)(4)–(7) | No | Maintenance of monitoring devices is required by §§ 63.342(f) and 63.344(d)(2) of subpart N. |
| 63.8(d) | No | |
| 63.8(e) | No | There are no performance evaluation procedures for the monitoring devices expected to be used to comply with subpart N. |
| 63.8(f)(1) | Yes | Instances in which the Administrator may approve alternatives to the monitoring methods and procedures of subpart N are contained in § 63.343(c)(8) of subpart N. |
| 63.8(f)(2) | No | |
| 63.8(f)(3) | Yes | Subpart N does not require the use of CEM's. |
| 63.8(f)(4) | Yes | |
| 63.8(f)(5) | Yes | |
| 63.8(f)(6) | No | |
| 63.8(g) | No | |
| 63.9(a) | Yes | Monitoring data does not need to be reduced for reporting purposes because subpart N requires measurement once/day. |
| 63.9(b)(1)(i)–(ii) | No | |
| 63.9(b)(1)(iii) | No | § 63.343(a)(3) of subpart N requires area sources to comply with major source provisions if an increase in HAP emissions causes them to become major sources. |
| 63.9(b)(2) | No | § 63.347(c)(2) of subpart N specifies initial notification requirements for new or reconstructed affected sources. |
| 63.9(b)(3) | No | § 63.347(c)(1) of subpart N specifies the information to be contained in the initial notification. |
| 63.9(b)(4) | No | § 63.347(c)(2) of subpart N specifies notification requirements for new or reconstructed sources that are not major affected sources. |
| 63.9(b)(5) | No | |
| 63.9(c) | Yes | This paragraph only references “§ 63.6(i)(4) through § 63.6(i)(6)” for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension. Subpart N provides a different timeframe for submitting the request than § 63.6(i)(4). |
| 63.9(d) | Yes | This paragraph only references “the notification dates established in paragraph (g) of this section.” But, § 63.347 of subpart N also contains notification dates. |
| 63.9(e) | No | Notification of performance test is required by § 63.347(d) of subpart N. |
| 63.9(f) | No | Subpart N does not require a performance evaluation or relative accuracy test for monitoring devices. |
| 63.9(g) | No | |
| 63.9(h)(1)–(3) | No | § 63.347(e) of subpart N specifies information to be contained in the notification of compliance status and the timeframe for submitting this information. |
| 63.9(h)(5) | No | Similar language has been incorporated into § 63.347(e)(2)(iii) of subpart N. |
| 63.9(h)(6) | Yes | § 63.346(b) of subpart N specifies the records that must be maintained. |
| 63.9(i) | Yes | |
| 63.9(j) | Yes | |
| 63.10(a) | Yes | |
| 63.10(b)(1) | Yes | |
| 63.10(b)(2) | No | |

Environmental Protection Agency

§ 63.360

| General provisions reference | Applies to subpart N | Comment |
|------------------------------|----------------------|--|
| 63.10(b)(3) | No | Subpart N applies to major and area sources. Applicable requirements of § 63.10(c) have been incorporated into § 63.346(b) of subpart N. |
| 63.10(c) | No | |
| 63.10(d)(1) | Yes | § 63.347(f) of subpart N specifies the timeframe for reporting performance test results. |
| 63.10(d)(2) | No | |
| 63.10(d)(3) | No | Subpart N does not contain opacity or visible emissions standards. |
| 63.10(d)(4) | Yes | |
| 63.10(d)(5) | No | § 63.342(f)(3)(iv) and § 63.347(g)(3) of subpart N specify reporting associated with malfunctions. |
| 63.10(e) | No | |
| 63.10(f) | Yes | § 63.347(g) and (h) of subpart N specify the frequency of periodic reports of monitoring data used to establish compliance. Applicable requirements of § 63.10(e) have been incorporated into § 63.347(g) and (h). |
| 63.11 | No | |
| 63.12–63.15 | Yes | |
| | | Flares will not be used to comply with the emission limits. |

[60 FR 4963, Jan. 25, 1995, as amended at 61 FR 27787, June 3, 1996]

Subpart O—Ethylene Oxide Emissions Standards for Sterilization Facilities

SOURCE: 59 FR 62589, Dec. 6, 1994, unless otherwise noted.

§ 63.360 Applicability.

(a) All sterilization sources using 1 ton (see definition) in sterilization or

fumigation operations are subject to the emissions standards in § 63.362, except as specified in paragraphs (b) through (e) of this section. Owners or operators of sources using 1 ton (see definition) subject to the provisions of this subpart must comply with the requirements of subpart A, of this part according to the applicability of subpart A of this part to such sources in Table 1 of this section.

TABLE 1 OF SECTION 63.360—GENERAL PROVISIONS APPLICABILITY TO SUBPART O

| Reference | Applies to sources using 10 tons in subpart O ^a | Applies to sources using 1 to 10 tons in subpart O ^a | Comment |
|------------------------|--|---|--|
| 63.1(a)(1) | Yes | | Additional terms defined in § 63.361; when overlap between subparts A and O occurs, subpart O takes precedence. |
| 63.1(a)(2) | Yes | | |
| 63.1(a)(3) | Yes | | Subpart O clarifies the applicability of each paragraph in subpart A to sources subject to subpart O. |
| 63.1(a)(4) | Yes | | |
| 63.1(a)(5) | No | | Reserved. |
| 63.1(a)(6) | Yes | | |
| 63.1(a)(7) | Yes | | Reserved. |
| 63.1.1(a)(8) | Yes | | |
| 63.1(a)(9) | No | | § 63.366(a) of subpart O also allows report submissions via fax and on electronic media. |
| 63.1(a)(10) | Yes | | |
| 63.1(a)(11) | Yes | | § 63.367 clarifies the applicability of recordkeeping requirements for sources that determine they are not subject to the emissions standards. |
| 63.1(a)(12)–(14) | Yes | | |
| 63.1(b)(1)–(2) | Yes | | Subpart O clarifies the applicability of each paragraph in subpart A to sources subject to subpart O in this table. |
| 63.1(b)(3) | No | | |
| 63.1(c)(1) | Yes | | Subpart O also specifies which sources are required to obtain a Title V permit in § 63.360. |
| 63.1(c)(2) | Yes | | |